



California Regional Water Quality Control Board San Diego Region



Matthew Rodriguez
Secretary for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Edmund G. Brown
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

November 18, 2011

Certified Mail – Return Receipt Requested
Article Number: 7010 1060 0000 4952 9819

Mr. Dan Miller, Owner
Miller's Towing Company
15275 Olde Highway 80
El Cajon, CA 92020

In reply refer to:
WDID: 9 371023124: wghoram

Dear Mr. Miller:

Subject: Notice of Violation, Miller's Towing Company, Order No. 97-03-DWQ

Enclosed is Notice of Violation (NOV) No. R9-2011-0076 issued to Miller's Towing Company for violations of Order No. 97-03-DWQ, issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). As described in the NOV, the violations are subject to further enforcement pursuant to the California Water Code. The San Diego Water Board reserves the right to take any enforcement action authorized by law.

Please provide a written response (including photo documentation) **by December 14, 2011** that confirms the violations have been corrected.

In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider both the time it takes to correct the identified violations and the sufficiency of the corrections.

In the subject line of any response, please include the requested "**In reply refer to:**" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Ms. Whitney Ghoram at (858) 467-2967 or wghoram@waterboards.ca.gov.

Respectfully,

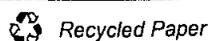
DAVID T. BARKER, P.E.
Supervising Water Resource Control Engineer
Surface Waters Basins Branch

DTB:esb:wjg

Enclosures:

Facility Inspection Report dated November 1, 2011

California Environmental Protection Agency



HPD ON UN HH

Cc: (w/encl.)

Mr. Alfredo Rios, Department of Toxic Substances Control, 9174 Sky Park Court, Suite 150, San Diego, CA 92123

Mr. Richard Diaz, County of San Diego, Program Coordinator, Watershed Protection Program, County of San Diego, Public Works, 5201 Ruffin Road, Suite P, MS 0326, San Diego, CA 92123, USA

SMARTS Entries:	Tech Staff Info & Use
NPDES No.	CAS000001
WDID	9 371023124
Application ID	414539
Violation ID	846073
Enforcement ID	407128
Inspection ID	2013107



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Miller's Towing Company
Mr. Dan Miller, Owner

NOTICE OF VIOLATION No. R9-2011-0076

Violations of Order No. 97-03-DWQ
November 18, 2011

WDID: 937I023124: WGhoram

Miller's Towing Company is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

Miller's Towing Company is in violation of State Water Resources Control Board (State Water Board) Water Quality Order No. 97-03-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS 000001 (General Permit), *Waste Discharge Requirements (WDRs) for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities.*

A. Summary of Violations

1. Failure to Implement Best Management Practices (BMPs)

- a. **Provision B.3:** Facility operators covered by this General Permit must reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm water discharges through implementation of best available technologies (BAT) for toxic and non-conventional pollutants and best conventional technologies (BCT) for conventional pollutants. Development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that complies with the requirements in Section A of the General Permit and that includes best management practices (BMPs) that achieve BAT/BCT constitutes compliance with this requirement.
- b. **Observation:** On November 1, 2011, San Diego Water Board inspected Miller's Towing facility located at 15275 Olde Highway 80, El Cajon, CA 92020. During the inspection, San Diego Water Board observed and documented lack of adequate BMPs to reduce or prevent pollutants in storm water to the BAT/BCT standard.

The facility is storing partially dismantled cars, buses, e-waste, vehicle batteries, and vehicle parts including an engine and transmission outdoors in a dirt area (unpaved) without cover. Rusty and greasy equipment, electronic components, and motor oil that could be sources of pollutants in storm water were observed during the inspection. The vehicles, other

California Environmental Protection Agency



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wastes, and oil soaked soil are immediately adjacent to Los Cochés Creek. Findings from the inspection are documented in the attached Facility Inspection Report dated November 1, 2011.

2. Failure to Develop a Storm Water Pollution Prevention Plan (SWPPP)

- a. **Provision B.3:** Facility operators covered by this General Permit must develop and implement a Storm Water Pollution Prevention Plan (SWPPP) that complies with the requirements in Section A of the General Permit and that includes best management practices (BMPs) that achieve BAT/BCT constitutes compliance with this requirement.

B. Summary of Potential Enforcement Options

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$10,000 per day of violation (Water Code section 13385) and/or any of the following enforcement actions:

Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300, 13308

In addition, the San Diego Water Board may consider revising or rescinding applicable waste discharge requirements, if any, referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

Questions pertaining to this Notice of Violation should be directed to Ms. Whitney Ghoram at 858-467-2967 or wghoram@waterboards.ca.gov



DAVID T. BARKER, P.E.
Supervising Water Resource Control Engineer
Surface Waters Basins Branch

CIWQS Entries
Place WDID: 9371023124
Application ID:414539
Enforcement ID: 407128
Violation IDs: 846073
Inspection ID: 2013107

Storm Water Industrial General Permit Inspection Report

Insp. Date & Time:	November 1, 2011 (2:00 PM)	Inspected By:	W. Ghoram, R. Diaz
WDID #	9 371 023124	SMARTS Inspection #2013107	Richard Diaz, County SD
Operator Name:	Dan Miller (Miller's Towing)		
Facility Name:	Miller's Towing		
Facility Address:	15275 Olde Highway 80, El Cajon, CA 92020		
Facility Contact:	Dan Miller, Owner		

Inspection Type: Complaint Follow up/ County SD Referral

SWPPP on site? No	SWPPP Implemented/Updated?	NA
Photos Taken? Yes	Appropriate Monitoring Program?	NA
Weather: clear, sunny, 80 degrees	Evidence of Non-SW Discharge?	Yes

Inspection Summary / Comments:

San Diego Water Board conducted a joint inspection with County of SD (Richard Diaz) in follow up for complaint and possible non filer status for alleged additional industrial activities (besides the 5093 Scrap & Waste Materials SIC assigned to this Site/NOI WDID 9371023124). Possible 5015 (Auto Dismantling) applies due to the nature of vehicle storage, duration of storage and condition of vehicles. In addition to the scrap metal activities (photo 4), inspectors observed (on west side of property) a truck engine on ground next to maintenance shop, junked trucks, buses, cars, (photos 5, 6, 8), and soil soaked with oil- visible and strong odor of motor oil (petroleum) from soil (photo 2). Also, adjacent to and under red bus at west end a swale drains to the K-Rail at property line which was undermined so water can flow offsite to Los Coches Creek (photos 7, 8). At east end of site in asphalt paved impound area, some cars were stacked on top of each other. These are all violations and it appears that Miller's towing needs to file an NOI for dismantling activities, and grade/pave/key in the K-Rail in the west area. Inspector's also saw a pile of e-waste (photo 3), and a pallet with batteries (photo 1), both out in the open in dirt area. (SMARTS Violation # 846073).

Dan Miller, Owner, said that he will correct (eliminate) the west end swale drainage under K-Rail problem immediately and have a hazardous waste hauler removes the oil soaked soil. He also said that he plans to pave (pour concrete) in the west end area. He was advised that the K-Rail is not effective to prevent runoff unless it is keyed into the ground.

San Diego County Hazardous Materials Division inspected the site recently and cited Miller's Towing for the oil soaked soil at the west end and runoff to Los Coches Creek.

Photo 5.



Photo 6.

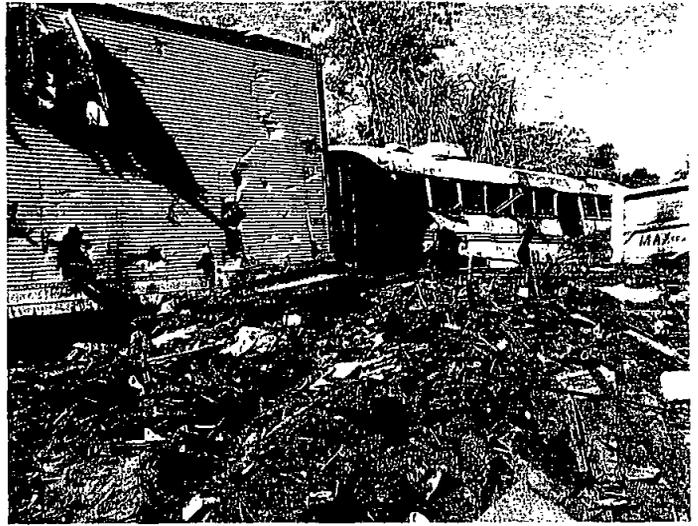


Photo 7.



Photo 8.



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Street, Apt. No. 15 275 Old Hwy 80
or PO Box No. EL CAJON, CA 92020
City, State, ZIP+4

PS Form 3800, August 2005 See Reverse for Instructions
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EL CAJON, CA 92020

7010 1050 0000 4952 9819



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1. Article Addressed to:

MR. DAN MILLER
MILLERS TOWING COMPANY
15275 OLIVE HWY 888
EL PASO, CA 92020

COMPLETE THIS SECTION ON DELIVERY

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X

Agent
 Addressee

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PS Form 3811, February 2004

Domestic Return Receipt

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